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**VIA ECF**

Honorable Joan M. Azrack  
United States District Judge  
United States District Court  
944 Federal Plaza  
Central Islip, NY 11722

Re: Dennis L. D'Aguino, et al. v. Garda CL Atlantic, Inc.  
Docket No. 16-cv-00641 (JMA)(AKT)

Jimmy Adkins, et al. v. Garda CL Atlantic, Inc.  
Docket No. 17 cv 02532 (JMA) (AKT)

Dear Judge Azrack:

This firm represents Defendant Garda CL Atlantic ("Defendant") in the above-referenced consolidated action. We write to renew our motion, dated October 1, 2020, to dismiss this case (DKT # 114). The Court issued an order, dated April 1, 2021, denying Defendants' motion and extending the deadline for the parties to complete jurisdictional discovery to April 30, 2021. The Court also ordered that Plaintiff respond to Defendants' jurisdictional discovery requests by April 14, 2021 and that Mr. Rossi's deposition be completed by today, April 26, 2021. Also, on April 1, 2021, Mr. Moser, counsel for select Plaintiffs including Mr. Rossi, notified the Court of his intention to move to withdraw as counsel, and filed such motion under seal on April 2, 2021. On April 14, 2021, while his motion to withdraw as counsel was pending, Mr. Moser filed a letter requesting that the Court Order Defendant Garda to respond to Plaintiffs' jurisdictional discovery demands (DKT # 119). Garda opposed this motion (DKT # 120) and requested a stay of all jurisdictional discovery while the Court considers Mr. Moser's motion to withdraw as counsel. The Court has neither issued a ruling on Mr. Moser's motion to withdraw as counsel, nor on his motion for Garda to respond to jurisdictional discovery demands.

Nonetheless, Plaintiff Rossi did not produce responses to Defendant Garda's jurisdictional discovery demands which were due on April 14, 2021, nor did Mr. Moser make Mr. Rossi available for his deposition by today, as Ordered by the Court.

On Friday, April 23, 2021, I sent the following email to Mr. Moser:

Steven,

We have not received Mr. Rossi's responses to jurisdictional discovery, which were due on April 14<sup>th</sup>. Jurisdictional discovery closes on 4/30/21

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and we are supposed to depose Mr. Rossi by Monday. You have made no effort to speak with us and request an extension of time. We intend to renew our motion to dismiss and close this case, unless you can provide us with a compelling reason why we should not.

Thank you,  
Lisa

Mr. Moser responded:

Lisa,

There is still a motion pending to withdraw as counsel. Also, I have not yet received Garda's Discovery responses.

To which I responded:

Rossi's were due on 4/14/2021.

Mr. Moser has not responded to my email and has neither produced the discovery responses nor Mr. Rossi for his deposition.

Accordingly, Garda respectfully requests that the Court close this case, as the claims of all of the Plaintiffs have been dismissed and Plaintiffs have failed to prosecute their most recent attempt to revive this case for the limited number of plaintiffs. It is abundantly clear that Plaintiffs have no intention of responding to the discovery demands served upon Mr. Rossi with regard to his claim that Mr. Rossi was domiciled in Florida at the time the *Adkins* complaint was filed. The Court dismissed all of the claims of all of the consolidated Plaintiffs. The *Adkins* Plaintiffs have failed to engage in discovery and failed to prosecute their motion to remand. Thus, the Court should close this case on the docket.

It is unfair to Garda to have to continue to litigate feeble attempts by Plaintiffs to maintain this case, where the Court has dismissed all of the claims. Garda respectfully requests that the Court seriously consider this request, enter final judgment closing this matter, and award Garda costs, expenses and attorneys' fees incurred because of the conduct of Plaintiffs' counsel.

Thank you for your consideration of this matter.

Respectfully submitted,

Littler Mendelson, P.C.

/s/ *Lisa M. Griffith*

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cc: All attorneys of record (via ECF)